

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

ELKAN ABRAMOWITZ
RICHARD F. ALBERT
ROBERT J. ANELLO*
BENJAMIN S. FISCHER
CATHERINE M. FOTI
CHRISTOPHER B. HARWOOD
LAWRENCE IASON
BRIAN A. JACOBS
TELEMACHUS P. KASULIS
JODI MISHNER PEIKIN
ROBERT M. RADICK*
JONATHAN S. SACK**
EDWARD M. SPIRO
JEREMY H. TEMKIN
RICHARD D. WEINBERG

565 FIFTH AVENUE
NEW YORK, NEW YORK 10017
(212) 856-9600
FAX: (212) 856-9494

www.maglaw.com

WRITER'S CONTACT INFORMATION

cfoti@maglaw.com
212-880-9530

SENIOR COUNSEL
PAUL R. GRAND
COUNSEL
DEVIN M. CAIN
JASMINE JUTEAU
CURTIS B. LEITNER
JACOB W. MERMELSTEIN
DANIEL F. WACHTELL
ROBERT G. MORVILLO
1938-2011
MICHAEL C. SILBERBERG
1940-2002
JOHN J. TIGUE, JR.
1939-2009

*ALSO ADMITTED IN WASHINGTON, D.C.
**ALSO ADMITTED IN CONNECTICUT

October 2, 2020

VIA ECF

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: Jennifer Eckhart and Cathy Areu v. Fox News Network, LLC, Ed Henry, Sean Hannity, Tucker Carlson, and Howard Kurtz, Civil Case No. 1:20-cv-05593 (RA)

Dear Judge Abrams,

This firm represents defendant Ed Henry. I submit this letter in response to James Vagnini's September 28, 2020 letter to the Court submitted in support of Plaintiffs' request to sever their cases.

Notwithstanding the fact that Plaintiffs chose to commence this case as a joint action, they now argue that the two plaintiffs' individual claims should be severed. The primary argument for severance, according to Plaintiffs, is the fact that Ms. Areu's attorneys expect to be able to maintain a class action suit that does not include Ms. Eckhart. Mr. Vagnini's letter is not at all clear on whether a class action will materialize, nor does he make clear whether there are any other potential plaintiffs at all who intend to join this purported class.

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Notwithstanding the lack of clarity in Mr. Vagnini's letter, it appears that whatever course Ms. Areu's case takes, it will cause a delay in the Eckhart matter, which will continue to prejudice Mr. Henry. Mr. Henry's reputation has been badly damaged by Plaintiffs' meritless accusations; it is imperative that he be able to clear his name as soon as possible with respect to both cases, but in particular with respect to the Eckhart allegations. Accordingly, as long as the schedule for responding to the Amended Complaint as it relates to Ms. Eckhart remains the same and as long as Mr. Henry retains the right to raise all arguments he may have with respect to Ms. Areu's allegations, including lack of subject matter jurisdiction, Mr. Henry does not object to the requested severance.

Respectfully submitted,

By: /s/ Catherine M. Foti

Cc: All counsel of record (via ECF)